

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, SEPTEMBER 18, 2007 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Kevin Zurschmiede and Larry Kochert.

OTHERS: Attorney Greg Fifer, Tim Crawford, Brian Dixon and Rob Sartell, EMC, and City Clerk Marcey Wisman.

CALL TO ORDER:

Mr. Utz called the meeting to order at 3:34 p.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Utz moved to approve the September 4th minutes with changes, Mr. Kochert second, all voted in favor.

Mayor Garner asked if there was a motion for Greg to prepare a letter to Vectren asking to pay after the first of the year for the line to the Robert E. Lee Lift Station.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

Mr. Utz asked Mr. Christmas about Mr. Kochert's concern about correcting the problem of the trenching settling even if they resurface the whole road.

Mr. Christmas stated that on the 7th Street project they used a cleaner stone that does cost more but it does not settle as much as crushed stone. He stated that a down-fall to using this stone would be if they need to dig in the same area it will be difficult to keep it from falling back in.

COMMUNICATIONS - PUBLIC:

Jason Sams requested 200 sewer credits for an office on Unruh Court. He informed them that they did receive approval from the Plan Commission last month.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

Mr. Scifers stated that he came to see where his tort stood.

Mr. Sartell stated that he originally gave him a quote for \$2798 for carpet and \$2800 for vanities.

Mr. Scifers said this has been going on a while so he can't remember the exact amounts.

Mr. Sartell stated that on the itemized list for carpet and flooring he has \$2465 and \$1350 for vanities.

There was a lengthy discussion regarding the cities responsibility in this matter if they pay for the damage and then the individual's responsibility to install a backflow preventor.

Mr. Sartell stated that Mr. Scifer's line has been televised twice.

Mr. Fifer figured the claim of \$4940.56.

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

Jason Copperwaite stated that he received the Capacity Certification for the Grantline Development LLC Project which shows that at full build out will not cause any capacity related bypasses or overflows in the collection system. He stated that based on this report he would like to have his sewer credits approved and the plat signed.

There was a lengthy discussion regarding the Stonecrest project and which basin it was supposed to go into.

Mr. Copperwaite stated that he needs to have the credits approved to go to Basin 32 but it would be cheaper to go to 25.

Mr. Kochert stated that maybe they should tell Stonecrest that they are going to take the credits back if they don't use them.

Mayor Garner stated that they could give them a thirty day notice and ask them to come to the next meeting if they want to keep that capacity certification.

Mr. Fifer asked how much the flow was that was going to Basin 25

Mr. Copperwaite stated 21,400

Mr. Fifer asked why they couldn't get a certification for that small amount of flow.

Mr. Copperwaite stated that the lift station is at 93% capacity.

Mr. Christmas told them that they could not certify that route as it is because it will put Basin 25 over capacity so they proposed an alternate route that was a higher cost for the contractor.

Mayor Garner stated that he is asking for the full 42,000 credits so that he can get started on this project

Mr. Utz moved to give him the 42,532 as requested, Mr. Kochert second, all voted in favor.

COMMUNICATIONS - CITY OFFICIALS

Ms. Wisman asked about road cuts in McDonald Lane and informed EMC that she smelled the odor again this past weekend.

Mr. Dixon informed her that the water company is doing work in the area.

Mr. Sartell informed her that they have installed an odor eliminating system in this area and that should not be a problem in the future.

Mr. Utz asked him to explain the odor eliminating system and if it was different than what they used before.

Mr. Sartell stated that it is different than what they were using before and that it is basically a mixture of two products that will oxidize whatever is in the sewage.

SEWER ADJUSTMENTS:

Mrs. Welsh informed them that she has requested that Sean and Shannon Jenkins inform her as to where the water from their sump pump is going but they have not responded.

Mr. Utz stated that he does not believe that they should receive a credit until they give her the information she has requested. He stated that she should inform them that until they get a satisfactory answer as to where the water is going they are not going to get a credit.

Mrs. Welsh stated that she would table this until receiving the requested information.

Mrs. Welsh informed them that she has also given them an adjustment for Mark Winterheimer. He has a new construction with an outside spicket at 3919 Sarah Lane. He understands that there is a 90 day discounted time for construction but his bills go beyond the 90 day period.

Mr. Kochert stated that he would like to stick with the 90 day time period.

Mr. Utz asked if this was a new construction and if new constructions were on the summer watering program.

Ms. Welsh stated that they have no way knowing if it is a new or old customer they just average what the bills are and in this case it didn't really help the customer. She explained that this gentleman has several taps throughout Sarah Lane.

Mr. Utz reminded everyone that this is the gentleman that is willing to pre-pay a quarter of a million in tap fees up front to assist the city in getting construction done on Basin 35

Ms. Welsh stated that he does pay all his sewer taps in a timely manner and for the most part keeps current on all his bills or brings current anything that falls delinquent.

Mr. Kochert stated that he wants to know if this tap is going to all the other properties.

Mayor Garner stated that they needed to know if the homes are vacant, where the taps are going to and any other pertinent information as to why he is using so much water before they make a decision and he asked that Ms. Welsh get this information and bring it back to the next meeting.

Mrs. Welsh informed the board that she has sent out another batch of pre-lien letters and that they are once again swamped with phone calls. She discussed individuals who are upset because the properties listed on the Helvey accounts that they are receiving pre-liens on are no longer standing.

Mr. Utz asked her about bringing Edwardsville Water customers in-house and how many customers that would be.

Mrs. Welsh stated that would be about 30 customers who are billed on a flat rate and she believes that it would be very simple for her office to do that. She stated that the problem is that these customers will call IN-AWC to get service shut off and they are told that they can't do it that it isn't their account and the billing continues in the previous customers names. She believes that her office could be more accurate with the billing and it wouldn't be any problem at all. She stated that they would be brought in at a flat rate which is currently \$32.09 or \$42.03.

Mr. Utz asked her what she has found out from IN-AWC.

Mrs. Welsh stated that that she spoke with Clarksville Water Treatment and they receive reads on a monthly basis from IN-AWC and they pay them a set amount for those reads. She stated that she would like to work with IN-AWC and get the ball rolling on getting reads in their system and hopefully that will alleviate some of the problems that they are having with IN-AWC now.

Mr. Utz stated that he is concerned about the report from Mr. Elling regarding the number of homes verses the number of customers.

Ms. Welsh discussed problems that she is having with IN-AWC and how they do not return phone calls and that they are now being told that they can't share information with her office and it is prohibiting them from making sure the customers are being billed accurately.

Mr. Fifer stated that he believes it would be money well spent to get the information from IN-AWC to help their current situation.

Mrs. Welsh stated that she gave them a packet on Mr. Binkley regarding his properties that he received a pre-lien letter on. He has paid all of the pre-liens but she has found that there are 4 properties that clearly had different owners that he has already paid. She needs to be given permission to refund him for these properties. She also has a problem with properties that were in the name of one of the company owners and then transferred to either the LLC or another owner in the company.

Mayor Garner stated that Mr. Binkley asked for a meeting with him but he turned him down and told him he couldn't answer the questions he had because he is not an attorney. He informed him that if he had any more questions he would need to come before the board.

Mr. Fifer stated that he needs an itemization of the unpaid bills from the date of transfer and who was the previous owner, then they will file suit to collect that bill.

Mrs. Welsh discussed problems she is having with IN-AWC and getting information from them on transfer balances. She is being told that they can no longer give her that information. She stated that they are transferring sewer, stormwater and garbage balances to new properties and she can't get any answers as to how this is happening from anyone at the billing with IN-AWC.

Mr. Fifer expressed that he didn't understand how these transfers would work and still have the numbers correct and wanted to know if it was transferred if a customer moved and their bills weren't current.

Ms. Welsh stated that it is done that way but it is harder to do with the liens and that is where they are running into problems. She stated that she would be happy to give the board examples of what she is talking about and that they do need to get on a conference call with IN-AWC.

Joe Woodward, IN-AWC, stated that they would like to set up a face to face meeting with the sewer board to discuss these issues. He stated that he doesn't know enough about the transfers and how they are handled right now to speak to it but they have sent lists on the accounts that they have to make sure they are getting billed right last year and never heard back from the City. He stated that Ms. Welsh stated that she has a four page list of accounts that are incorrect but she will not provide that information to them to make corrections.

Ms. Welsh stated that she was told by the State Board of Accounts that it is not her responsibility to find their errors.

Mr. Woodward stated that there is a mutual corrections clause in the contract that stipulates that if they find an error they should notify IN-AWC so that they may correct it. He stated that he is having the same issue with the City not cooperating with them. He stated once again that he would love to meet with the board face to face to rectify all these issues.

Mr. Fifer stated that he doesn't have issue with the operations standpoint but since they moved the billing to Illinois they have had nothing but problems.

Mr. Woodward stated that would be something he would like for them to address to the billing personnel in the meeting so that they can get to the root of where the problems are.

Mr. Fifer commended Ms. Welsh's efforts to collect on the Helvey accounts that IN-AWC turned back over to the City in 2003 as uncollectible and he state that the problem that they have is that the debt can't be validated. They have nothing but a number to go on and that makes the process very difficult because they are unable to prove it to the customers that these bills are in fact correct. He stated that IN-AWC stipulated in the contract that they would comply with the Fair Debt Collections act and the information that they need doesn't exist with Helvey or IN-AWC and this will need to be addressed with them.

NEW BUSINESS:

Item #1 - Tina Haley re: sewer credits for Prosser

Mr. Shrout, Prosser, addressed the board regarding a plot of land that they have obtained that they would like to use for building trades homes. There will be 19 lots with homes for low income families. He stated that this will also give them an alternative ingress and egress point for the school in case of emergencies.

Mayor Garner informed him that they are currently going to run a new basin 35 line in the area and they could probably cut some deal for the first 6 houses in exchange for the easements.

Mr. Utz moved to approve the 5,890 sewer credits for 19 homes, Mr. Kochert second, all voted in favor.

Mr. McCormick stated that he was here to discuss project costs for September through December that has been prepared by Mr. Utz.

Mr. Utz went over his concerns that could affect the funds available for projects. Said report is on file with the City Clerk's office.

There was a lengthy discussion regarding flat rate customers in particular the fact that IUS is still a flat rate customer and the loss of revenue because of said flat rate.

Mr. Kochert moved to take IUS off as a flat rate customer, Mr. Utz second,

Mr. Fifer stated that the one number that is not in here is the \$94,000 for the property acquisition for Basin 35.

Mr. Utz stated that if they can find a way to get through August the utility should be okay unless something catastrophic happens such as 15th Street.

OLD BUSINESS:

Item #2 - Donohue re: Project Update

Mayor Garner stated that he received an email from Mr. Elling stating that he couldn't be there but he didn't have any current updates. He stated that they are still making progress on the master plan and comparing to the 1999 comprehensive plan and using that at the 20 growth rate factor from information that they got from Clark Dietz.

Item #3 - Clark Dietz re: Project Update

Wes Christmas reported that he had given them each a new project schedule. He stated that he has given them a map with alternate routes for Mr. McCool's request to re-route the force main project with two different alternates. He stated that he does not believe that alternate 1 is feasible but alternate 2 is somewhat feasible and that Mr. McCool is willing to donate easements. He did tell him that they could not make any decisions until after he has a meeting with the contractor.

Mr. Fifer asked who did the survey for the last job.

Mr. Christmas said Ruckman.

Mr. Fifer asked who would be responsible for writing the new legal description for this.

Mr. Christmas stated that he believes that Mr. McCool should be the one to do it.

Mr. Fifer stated that he would agree.

Mr. Utz stated that he believes that Mr. McCool should also be responsible for the extra time that Mr. Christmas has spent on this.

Mr. Christmas reiterated the need to move forward and to get started on this project and stated he would like to sit down with a contractor and go over the details.

Mr. Fifer stated that Wes should go to him and have him get a professional surveyor and bring the board a legal description for a twenty foot utility easement for Alternate 2 and he will prepare the documents to accommodate this and Mr. Christmas will set the date.

Mr. Christmas stated that he still needed to verify the route from the park for Basin 18 and that he knows the property is owned by the park and once they decided how they want them to proceed through that section they will move forward. He stated that surveying should begin on Basin 35 phase II & III next week. He stated that the sales tax savings on the REL lift station is estimated at around \$25,000.00.

Mr. Fifer informed the board that the Board of Public Works approved the confirmation for property acquisition for Basin 35 easements and he will be sending letters out to the property owners with the amount of the awards.

EMC REPORT:

Mr. Dixon stated that he wanted to talk about Tina Haley because she is now an EMC employee that is being paid 100% out of Stormwater, but she is still tracking the sewer credits and handling the other sewer issues that she worked on before.

Mr. Kochert stated that he spoke with the Mayor about a better split on the employees that they are paying for those that don't do sewer work in the controller's office and maybe they can work this entire situation out at the same time.

Mr. Dixon addressed the issue of the bids for Lewis Street. He explained that the estimated quote was done over a year ago and when he talked with MAC he was informed that the manholes also need to be replaced because they are brick and the grout will continue to crumble. He also stated that part of the reason the per linear foot price is more on this job than the REL Force main is because it is a very difficult job to get to with equipment and trucks.

There was a lengthy discussion regarding the Lewis Street project.

Mayor Garner discussed the quotes that they received from John Jones for trucks and stated that they are not available. He said that Coyle quoted it at \$1,000 cheaper subject to availability. He stated that in a 250 mile radius there is not one available. He asked the board if they wanted to increase the radius.

Mr. Kochert stated that he wanted to make a call to the guy that he got his truck from to see if they have one available because if word gets out to the Council that they are spending more money than what they budgeted they will come down even harder on the Sewer Board.

Mr. Zurschmiede made a motion to purchase a truck for \$15,700 plus the cost of shipping it if they can't find one for the lower price, Mr. Utz second, all voted in favor.

BIDS:

Item #1 - Award bid for Robert E. Force Main

Mr. Christmas referred to the Memo for the Robert E. Lee Force Main project Bid Evaluation which is on file with the City Clerk's office. He recommended based on the reference check and all the required information provided by TSI that the board award the REL Force Main Bid to TSI Paving. He stated that there was an alternate item of full resurfacing of the road for a total amount of \$653,297.29.

Mr. Kochert moved to award the bid to TSI for \$653,297.29, Mr. Zurschmiede second, all voted in favor.

Will Dierking presented the board with the Construction Agreements and the bonding.

Mayor Garner stated that he would have the attorney review this agreement and he could pick it up tomorrow.

Mr. Christmas handed out a capital analysis for the boards review.

Item #2 - Award bid for Lewis Street project

Mr. Dixon again explained the Lewis Street project and why the bid was higher than the estimate for repairs. He recommended that they go ahead and award the bid to MAC.

Mr. Kochert moved to award it to MAC for the \$269,000, Mr. Utz second all voted in favor.

CLAIMS:

Mr. Dixon presented the following invoices for approval in the amount of \$29,903.60

AAA Plumbing	Repair McClean & Morton	\$6,200.00
Timberlake Plumbing	Repair alley between 3 rd & 4 th	\$23,703.60

Mr. Utz moved to approve, Mr. Kochert second, all voted in favor.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 6:19 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey Wisman, City Clerk